

The Rule 26(f) conference was held telephonically on April 20, 2023 by Bradley L. Boone for Plaintiffs and Tim Miller and Prentice Olive for Defendant.

Bradley L. Boone, Bar No. 5-1676
Law Office of Bradley L. Boone
Box 13160
250 Veronica Lane #204
Jackson, WY 83002
702-241-1631
866-297-4863
brad.booke@lawbooke.com
Attorney for Plaintiffs

Timothy W. Miller, Bar No. 5-2704
Senior Assistant Attorney General
Prentice B. Olive, Bar No. 8-6691
Assistant Attorney General
Wyoming Attorney General's Office
109 State Capitol
Cheyenne, Wyoming 82002
(307) 777-5820
(307) 777-3608
(307) 777-8920 Facsimile
tim.miller@wyo.gov
prentice.olive@wyo.gov
Attorneys for Defendant

2. List the cases related to this one that are pending in any state or federal court with the case number and court, and state how they are related.

There are no related cases pending in any court.

3. Briefly describe what this case is about.

Plaintiffs' statement: This case concerns the wrongful arrest, detention, and prosecution of Dr. Blendi Cumani and Mr. Roland Shehu, all without probable cause for killing and wasting elk near Cody. Dr. Cumani and Mr. Shehu were acquitted by a Circuit Court jury after a 4-day trial.

Defendant's statement: This case arises from the lawful actions of a Game Warden with respect to criminal charges against Plaintiffs supported by probable cause.

4. Specify the allegations providing the basis for federal jurisdiction.

This is an action under 42 § U.S.C. 1983, which creates federal jurisdiction under 28 § U.S.C. 1331.

- 5. Name the parties who disagree with the plaintiff's jurisdictional allegations and state their reasons for disagreement.**

The parties do not disagree with the jurisdictional allegations, which were invoked by Defendant.

- 6. Discuss whether or not the case is complex. If the parties believe that the case is complex, explain why and be prepared to address this issue, including scheduling and case management considerations in particular, during the Initial Pretrial Conference.**

The case is not complex.

- 7. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.**

No additional parties are anticipated.

- 8. List anticipated interventions.**

No interventions are anticipated.

- 9. Describe class-action issues, if any.**

None.

- 10. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe specifically the arrangements that have been made to complete the disclosures.**

The parties will make initial disclosures under Rule 26(a) by April 30, 2023.

- 11. Describe the proposed agreed discovery plan, including:**

- a. Responses to all the matters raised in Rule 26(f).

The 26(f) conference and this report respond to all matters raised in Rule 26(f).

- b. When and to whom the plaintiff anticipates it may send interrogatories.

Plaintiffs will send written discovery to Defendant on and before June 30, 2023.

- c. When and to whom the defendant anticipates it may send interrogatories.

Defendant will send written discovery to Plaintiffs on and before June 30, 2023.

- d. Of whom and by when the plaintiff anticipates taking oral depositions.

Plaintiffs anticipate taking depositions of at least Defendant, a representative of the Wyoming State Crime Laboratory, and the hunting guide who accompanied Plaintiffs and was present during the events at issue.

- e. Of whom and by when the defendant anticipates taking oral depositions.

At this time, Defendant anticipates that he will depose Plaintiffs and may depose Tyler Viles, Brian Peters and George Schnell, over the summer of 2023.

- f. (i) Specify the date experts for plaintiff (or party with the burden of proof on an issue) will be designated and their reports provided to the opposing party.

October 31, 2023.

- (ii) Specify the date experts for defendant will be designated and their reports provided to the opposing party.

November 30, 2023.

- g. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion dates. See Rule 26(a)(2)(B) (expert report).

Defendant's experts, not later than December 31, 2023.

- h. List expert depositions the defendant (or opposing party) anticipates taking and their anticipated completion dates. See Rule 26(a)(2)(B) (expert report).

Plaintiffs' experts, not later than December 31, 2023.

- i. Indicate whether the parties have conferred with their clients regarding obligations concerning electronically stored information. Also identify limitations on discovery of electronically stored information, as contemplated by Federal Rule of Civil Procedure 26(b)(2)(B) and the Local Rules of this Court.

Plaintiffs do not believe there is any electronically-stored information at issue.

Defendant believes text messages and voice mail may be at issue.

- j. Discuss the scope and limits of planned discovery. Identify how the parties will ensure that anticipated discovery will be proportional to the needs of the case, and address each of those considerations set forth in Rule 26(b) regarding the scope of discovery in general.

Discovery is needed on all liability and damages facts. The parties will cooperate to avoid unnecessary discovery.

- 12. If the parties have not agreed on a part of the discovery plan, describe the separate views and proposals of each party.**

The parties have agreed on a discovery plan.

- 13. Specify the discovery beyond initial disclosures that has been undertaken to date.**

None.

- 14. State the date the parties believe planned discovery can reasonably be completed.**

December 31, 2023.

- 15. Describe the possibilities for a prompt settlement or resolution of the case that were discussed during your Rule 26(f) meeting.**

Plaintiff believes that fact discovery must be completed before productive settlement discussions can be undertaken. Defendant believes that discussions will probably not be fruitful until after the court rules on an anticipated dispositive motion.

- 16. Describe what each party has done or agreed to do to bring about a prompt resolution.**

The parties thoroughly discussed settlement at the 26(f) conference and determined that neither could get meaningful settlement authority before fact discovery was complete and, as to Defendant, likely unless and until summary judgment is denied..

- 17. From the attorneys' discussions with the client(s), state the alternative dispute resolution techniques that may be reasonably suitable.**

Private or court-conducted mediation.

18. State whether a jury demand has been made and if it was made on time.

A jury demand has not yet been made and Plaintiffs will seek leave to request a jury.

19. Specify the number of hours it is expected that it will take to present the evidence in this case.

The parties believe that 24 hours (12 per side) will be required to present evidence.

20. List pending motions that could be ruled on at the Initial Pretrial Conference.

None.

21. List other pending motions, if any.

None.

22. Indicate other matters peculiar or unique to this case, including discovery, that deserve the special attention of the Court at the Initial Pretrial Conference.

None.

23. Indicate whether the parties anticipate any amendments to the pleadings.

The parties do not presently anticipate any amendment to the pleadings.

24. List the names, bar numbers, addresses, email addresses, and telephone numbers for all counsel. List the names, addresses, email addresses and telephone numbers for all parties and unrepresented *pro se* litigants.

Bradley L. Boone, Bar No. 5-1676
Law Office of Bradley L. Boone
Box 13160
250 Veronica Lane #204
Jackson, WY 83002
702-241-1631
866-297-4863
brad.booke@lawbooke.com

Attorney for Plaintiffs

Timothy W. Miller, Bar No. 5-2704
Senior Assistant Attorney General
Prentice B. Olive, Bar No. 8-6691
Assistant Attorney General
Wyoming Attorney General's Office
109 State Capitol
Cheyenne, Wyoming 82002
(307) 777-5820
(307) 777-3608
(307) 777-8920 Facsimile
tim.miller@wyo.gov
prentice.olive@wyo.gov

Attorneys for Defendant

/s/Bradley L. Boone

Bradley L. Boone Bar No. 5-1676
Law Office of Bradley L. Boone
Box 13160
250 Veronica Lane #204
Jackson, WY 83002
702-241-1631
866-297-4863
brad.booke@lawbooke.com
Attorney for Plaintiffs

Dated: 4/21/2023

/s/Timothy W. Miller

Timothy W. Miller, Bar No. 5-2704
Senior Assistant Attorney General
Prentice B. Olive, Bar No. 8-6691
Assistant Attorney General
Wyoming Attorney General's Office
109 State Capitol
Cheyenne, Wyoming 82002
(307) 777-5820
(307) 777-3608
(307) 777-8920 Facsimile
tim.miller@wyo.gov
prentice.olive@wyo.gov
Attorneys for Defendant

Dated: 4/21/2023